(8)

IN THE HIGH COURT OF JUDICATURE CHHATTISGARH AT BILASPUR

W.P. 1936 /2002

Petitioner : Dinesh Dewangan S/o Uttam Dewangan, aged about 30 years, R/o Durga Chowk, P.S.Basantpur, Dist : Rajnandgaon – (C.G.)

Versus

Respondents :

1. State of chhattisgarh through the Secretary Home Department DKS Bhawan, Raipur – (C.G.)
2. District Magistrate and Collector Rajnandgaon – (C.G.)
3. Superintendent of Police Rajnandgaon – (C.G.)

P.R. No. 2208/02
Presented by Shri A. Mayilvahanan
dated 24/9/02

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

1 Particulars of the Petitioner

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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आदेश पत्रक

मामला क्रमांक WP No. 1936/02 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	13-01-2003	

Shri P.Diwakar, counsel for the petitioner.

Dr. N.K. Shukla, Addl. Adv. General with Shri Ranbir Singh, Govt. Adv. for the State.

The subject matter of challenge in this writ petition is the order passed by respondent No.2- District Magistrate & Collector, Rajnandgaon, under Section 5 of M.P. Rajya Suraksha Adhiniyam 1990, whereby the petitioner was directed to remove himself outside the Distt. Rajnandgaon and also not to enter Balaghat (M.P.),Kwardha, Durg, Distt. Kanker, GhadChiroli & Gondia (M.S.).

According to the learned counsel for the petitioner, the order is patently illegal, there is no impediment in the way of the High Court to exercise its jurisdiction. However, there is a statutory remedy of appeal available to the petitioner under Section 9 of the said Adhiniyam and under the Proviso to Sub-section (3) thereof a prayer for staying the order of externment can be made before and considered by the Appellate Authority. In this view of the matter, the Court feels that it would be appropriate for the petitioner to exercise the right of appeal under Section 9 of the said Adhiniyam.

[पीछे देखिये

आदेश पत्रक (पुर्वानुबद्ध)

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	In the above view of the matter, the Court is not inclined to entertain this writ petition at this stage and the petition is disposed of with a direction that in case an appeal is filed on or before 23-01-2003, the same shall be entertained and disposed of on its own merits in accordance with law. The certified copy of the impugned order annexed to this writ petition may be returned to the petitioner on being substituted by a authenticated photocopy/ typed copy. With the above observations and directions, the petition stands disposed of. Consequently M.W.P. No.699/02 & I.A. No.6364/2002 for urgent hearing also stand disposed of. Certified copy as per Rules. **Sd/-** **P.C.Naik** **Judge**	